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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 LAUSTEVEION JOHNSON,
#82138)
9 Plaintiff,) 2:10-cv-02143-JCM-GWF
0 vs.)
1 TREVOR ALCINDOR, *et al.*,)
2 Defendants.)
3 /

14 **ORDER**

Presently before the court is the matter of *Johnson v. Alcindor et al*, case no. 2:10-cv-02143-JCM-GWF. On March 7, 2012, the court entered an order granting the parties' stipulation to dismiss the case with prejudice. (Doc. # 39). Plaintiff subsequently filed a motion to vacate the settlement agreement (doc. # 40) which this court denied on March 22, 2012. (Doc. # 43). The court found that it had no jurisdiction to vacate the settlement agreement under the Supreme Court's holding in *Kokkonen v. Guardian Life Ins. Co. Of America*, 511 U.S. 375 (1994), and held that, “[a]bsent such a basis, the case remains closed pursuant to the parties' stipulation.” (*Id.* at 2).

22 Over 19 months later, the clerk’s office mistakenly issued a notice pursuant to Local Rule 41-1
23 indicating that “[i]f no action is taken in this case within (30) days, the Clerk’s office will make an
24 application to the Court for dismissal for want of prosecution.” (Doc. # 45). In response, plaintiff filed
25 a motion for production of documents, a first set of interrogatories, and a motion for a scheduling order.
26 (Docs. ## 46, 47, 48).

As this case was dismissed with prejudice pursuant to the parties' stipulation, and because the court lacked jurisdiction to vacate the stipulation, this case has long been closed. Defendants' motion for judgment is granted.

4 || Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff's motion for a scheduling order (doc. # 48) be, and the same hereby is, STRICKEN.

7 IT IS FURTHER ORDERED that defendants' motion for judgment (doc. # 51) be, and the same
8 hereby is, GRANTED. The clerk shall enter judgment and close the case.

9 DATED December 3, 2013.

Xenos C. Mahan
UNITED STATES DISTRICT JUDGE